

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 4542

IN THE MATTER OF:

Served March 24, 1995

Application of JET TOURS USA, )  
INC., Trading as CITY TOURS, )  
WASHINGTON, D.C., for a )  
Certificate of Authority -- )  
Irregular Route Operations )

Case No. AP-94-50

Formal Complaint of EASY TRAVEL, )  
INC., Against JET TOURS USA, )  
INC., and CITY TOURS USA, INC. )

Case No. FC-94-01

By Order No. 4469, served January 5, 1995, the Commission initiated an investigation into respondents' activities in the Metropolitan District between July 22, 1994, and January 5, 1995. Respondents were directed to produce all records in their possession, custody or control having a reasonable connection with those activities. Respondents also were directed to request the local banks at which they maintain or have maintained an account or accounts to forward directly to the Commission copies of respondents' bank records from the aforementioned period. Production was to be accomplished by January 26, 1995.

On January 26, respondents made partial production of the responsive records in their possession and filed a request for permission to redact the remainder because they contain "commercially sensitive and . . . highly proprietary information" not called for in Order No. 4469. On March 3, 1995, respondents provided a sample of unredacted documents to the Commission in support of their request. It is clear from the sample that the claim of commercial sensitivity is well founded and that the information to be redacted is of marginal relevance to this investigation. It is equally clear, however, that without a chance to view the unredacted versions of all responsive records, the Commission will be unable to determine if pertinent information has been masked inadvertently. Under the circumstances, we believe the best course of action is to permit respondents to file simultaneously one set of unredacted documents and one set of redacted documents. The unredacted copies will be returned immediately upon staff's review and determination that the investigation will not be compromised by accepting the redacted versions.

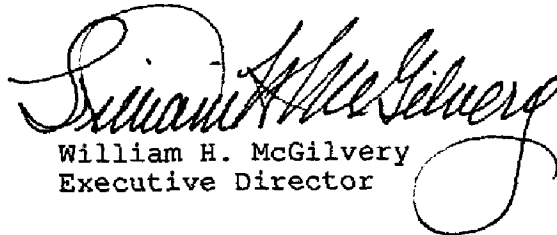
Respondents also request that they be relieved of directing their local bank to produce copies of their bank records because of the cost involved. Respondents have produced from their own records copies of cancelled checks, deposit tickets and monthly bank statements. Respondents have not produced copies of deposit items, i.e., customer checks. Staff informs us that respondents agree having their bank produce these items would not be unduly burdensome. We will modify Order No. 4469 accordingly.

THEREFORE, IT IS ORDERED:

1. That on or before April 17, 1995, respondents shall submit to the Commission a redacted copy and an unredacted copy of each document in their possession, custody or control that is responsive to Order No. 4469 and which was withheld from production on January 26, 1995.

2. That respondents shall request all banks in the Metropolitan District at which they maintain, or have maintained, an account, or accounts, to forward directly to the Commission on or before April 17, 1995, copies of all deposit items processed by said banks with respect to said account, or accounts, during the period beginning July 22, 1994, and ending on January 5, 1995.

BY DIRECTION OF THE COMMISSION; COMMISSIONERS ALEXANDER, LIGON, AND SHANNON:

  
William H. McGilvery  
Executive Director